

REMARKS

The invention of the present application concerns a fuel delivery unit for use in the fuel tank of a motor vehicle in which there is a motor driven fuel delivery pump that cooperates in conjunction with a fuel level sensor that is located a preselected distance from the delivery pump so that magnetic fields that may be generated by the fuel delivery pump do not impair in any way proper operation of the fuel level sensor. Specifically, the sensor utilizes a reed switch, which may under some conditions malfunction in the presence of stray magnetic fields. Further, the fuel delivery pump and the fuel level sensor are both mounted on and dependent from a cover that extends over the upper end of the surge chamber within which the delivery pump and the fuel level sensor are located. By making both the fuel pump and the fuel level sensor co-dependent from the closure lid, it is possible to ensure that there is no variation in the distance between these two elements that would permit spurious magnetic fields to physically affect operation of the fuel level sensor.

Claims 1, 3, 5 and 8 were rejected under 35 U.S.C. 102(b) as being anticipated by Haderer et al., while claims 2, 4, 6, 7 and 9 stand rejected under 35 U.S.C. 103(a) as unpatentable over Haderer taken in conjunction with specified secondary references.

Referring to Haderer ('077), a fuel delivery system is shown and described in which a high pressure fuel pump 40 is suspended as an individual mechanism from a high pressure connector 42. High pressure connector 42 appears, as best seen in Fig. 2, to be located outside of and above a retainer 38 that closes the upper end of reservoir (surge chamber) 20. Also found as part of the '077 fuel delivery system is a fuel level sensor 30 that is supported outside reservoir 20 by means of a side bar 32. Looking at Fig. 3, it appears that side bar 32 is located exteriorally of the reservoir 20, as is the fuel level sensor 30. Thus, in '077, the fuel level sensor is not located within reservoir 20 while, in contradistinction, fuel pump 40 is. Neither fuel pump 40 nor fuel level sensor 30 are supported dependently from the retainer 38 and since the fuel pump 40 is located within the reservoir 20 and the fuel sensor 30 is located outside of the reservoir 20 there would appear to be no problem that spurious magnetic fields would exert any harmful affect on sensor 30. The description of '077 does not mention any possible difficulty arising

from stray magnetic fields and no discussion is set forth that the construction shown in Haderer addresses any potential problems that might be created by stray fields.

Independent claim 1 of this application has been amended to include a recitation of cover 11 that is present on top of surge chamber 3 and it has been specified that the delivery pump and the fuel level sensor co-depend from cover 11. By utilizing this construction, it is possible to fix the distance between the delivery pump and the fuel sensor so that no problems arise from magnetic fields that would adversely affect operation of the reed switch 16.

In view of the amendments made to the claims and for the reasons set forth above, it is felt that the invention of this application now clearly defines over the prior art, so that reconsideration and allowance of the claims are respectfully requested.

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